

DUBLIN DIVISION

Defendant.

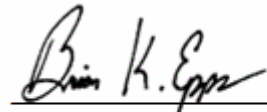
CV 314-056

ORDER

Federal Rule of Civil Procedure 55(a) provides that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party’s default.” Contrary to Plaintiff’s assertion, Defendant timely answered Plaintiff’s amended complaint on December 19, 2014. (See doc. no. 15.) Therefore, Defendant is not in default. As to the alleged failure by Defendant to respond to Plaintiff’s request for

documents or serve a copy of the deposition transcript, the proper remedy is a motion to compel pursuant to Federal Rule of Civil Procedure 37 and not a motion for default.

SO ORDERED this 10th day of June, 2015, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA